

1 AN ACT concerning open lands.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Open Land Trust Act is amended
5 by adding Section 40 as follows:

6 (525 ILCS 33/40 new)

7 Sec. 40. Development rights. A Rural Legacy program is
8 hereby established to enhance farmland protection while
9 maintaining the viability of resource-based land use and
10 proper management of tillable and wooded areas through
11 agricultural and silvicultural practices. The Department
12 shall cooperate with the Department of Agriculture in
13 developing a program to purchase development rights for
14 farmland preservation. Funding for this program may be 10%
15 of the total amount available for the Illinois Open Land
16 Trust Program. The Department of Agriculture shall, in
17 cooperation with the Department, promulgate rules concerning
18 selection, criteria, and eligibility requirements. The rules
19 must include the following additional requirements:

20 (1) Selection and acquisition must be consistent
21 with the open space objectives of this Act.

22 (2) Public access for conservation and recreation
23 may be an allowable activity at the discretion of the
24 landowner.

25 (3) Development rights acquisition must be limited
26 to those farming operations that will enhance the open
27 space purpose of this Act.

28 (4) Funds may be used to purchase interests in
29 farmland from willing sellers. The interests acquired
30 under this program must be for at least 20 years and may
31 not be altered or transferred except as provided in

1 paragraph (5) of this Section.

2 (5) The transfer of development rights subsequent
3 to the original purchase may be considered subject to the
4 demonstration of an imperative public need, a
5 recommendation of the Department, and the approval of the
6 Governor.

7 (6) Any other reasonable requirement as determined
8 by the Department of Agriculture, in consultation with
9 the Department, that is necessary to effectively
10 implement this Act.

11 The Department of Agriculture shall annually report to
12 the Governor and the General Assembly on the status of this
13 program.

14 Section 99. Effective date. This Act takes effect on
15 July 1, 2001.